

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-20 are pending in the application. Claims 1-7 have been amended to better define the claimed invention. No new matter has been introduced through the foregoing amendments.

The Restriction Requirement is traversed, because the Examiner has failed to follow proper USPTO practice and procedure.

Every requirement to restrict has two aspects:

(A) the reasons (as distinguished from the mere statement of conclusion) why the inventions as claimed are either independent or distinct; and

(B) the reasons for insisting upon restriction therebetween. *See MPEP*, section 808 (emphasis added).

In this case, the Examiner has not met requirement B, failing to specify any reasons for insisting upon restriction between the combination (claims 1-7) and the sub-combination (claims 8-20). The Examiner is kindly asked to either consult *MPEP*, section 808.02 for guidance on how to establish reasons for insisting upon restriction and rephrase the Restriction Requirement accordingly, or to withdraw the Restriction Requirement.

In addition, the following supposed errors are found in the Restriction Requirement.

First, claims 1-7 and 8-20 are not related as combination and subcombination, because claims 1-7 and 8-20 are all drawn to pants-type disposable wearing articles. *See*, for example, the preambles of independent claims 1 and 8.

Second, the Examiner's allegation that the "subcombination" (claims 8-20) has *separate* utility is inaccurate. The statement "securing elastic elements between top and bottom sheets of stretchable material" found in the Final Office Action, at page 4 lines 7-8 does not provide any example of separate utility. Since both "subcombination" (claims 8-20) and "combination" (claims

1-7) are drawn to pants-type disposable wearing articles, the “subcombination” and “combination” always have the same utility. There is no separate utility.

Withdrawal of the Restriction Requirement and consideration of claims 8-20 in view of the above is now believed appropriate and therefore respectfully requested.

The repeated rejections of claims 1-7 are traversed for the reasons advanced in the previous Amendment, especially at the paragraph bridging pages 10-11 and the first full paragraph on page 11. The previous arguments are incorporated by reference herein.

The Examiner’s response to Applicant’s argument advanced in the paragraph bridging pages 10-11 of the Amendment filed December 6, 2005 is noted. Basically, the Examiner alleges that *Yamamoto* teaches free portions where the elastic means are not welded to side edges 20a and 20b. However, the Examiner has failed to specify how *Yamamoto* teaches, if at all, that such “free portions” are not secured to the absorbent panel as presently claimed. Clarification is respectfully requested.

The Examiner has not responded to Applicant’s argument advanced in the first full paragraph on page 11 of the Amendment filed December 6, 2005. Clarification is respectfully requested. In particular, the Examiner is kindly asked to specify with reasonable clarity how *Yamamoto* teaches that the waist and leg elastics are not secured at their crossing points (exemplarily denoted at X, Y Z in attached *Exhibit A* which is an annotated version of FIG. 2 of *Yamamoto*).

Accordingly, Applicants respectfully submit that the repeated rejections of claims 1-7 are not well grounded and should be withdrawn.

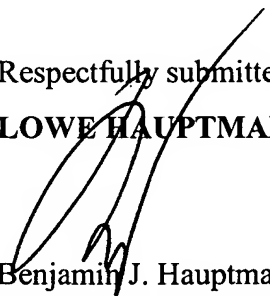
Each of the Examiner’s rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant’s attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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